

REMARKS

Status of the Claims

After entry of the instant amendment, claims 1-3, 6, 7, 9, 10, 12-14 and 16-27 are now pending in the present application. Claims 16 and 18-25 stand withdrawn as being drawn to non-elected inventions. Claims 1, 10 and 12-14 are independent.

Claims 4, 5, 8, 11 and 15 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 26 and 27 have been added and claims 1, 6, 7, 10, 12-14, 16, 18-25 have been amended. Support for new claims 26 and 27 and the amendments to the claims can be found throughout the Specification as filed. Claims 12-14, 16 and 18-25 have been amended to put them in better form and to make the claim language more clear. Thus, no new matter has been introduced by way of amendment to the claims.

Reconsideration of this application, as amended, is respectfully requested.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by placing the claims in compliance with 35 U.S.C. § 112, second paragraph, and by deleting non-elected subjected matter from otherwise allowable claims. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

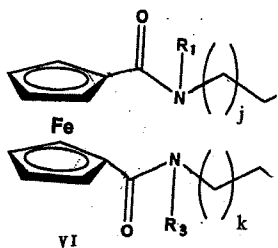
Drawings

Since no objection has been received, Applicants assume that the drawings originally filed with the application on August 22, 2006, are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

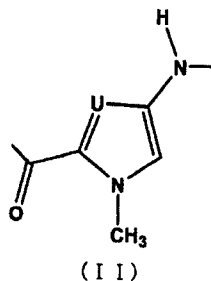
Claim Objections

Claims 1-4, 6, 7, 9 and 17 are objected to because they contain both elected and non-elected subject matter. Claim 4 has been cancelled and its rejection is now moot.

Applicants thank the Examiner for expanding his search of the prior art to include a core molecule containing a ferrocene-containing linker having formula (VI) as recited in claim 4 (now cancelled):



The core molecule used in the Examiner's search is among those represented by formula (I) of claim 1, wherein V¹ and X¹ are represented by the formula (II):



Thus, Applicants have amended claim 1 to recite the limitations of claim 4 and cancelled claim 4, as well as added recitation of "wherein each of V¹ and X¹ is represented by the formula (II)" to claim 1. Consequently, amendments were made to claims 6 and 7 to be consistent with amended claim 1.

Claims 5, 8, 11 and 15, which are drawn to ferrocene compounds having a different core structure than that searched by the Examiner have been cancelled without prejudice or disclaimer, and Applicants retain the right to pursue the subject matter contained in these claims in a divisional application.

In view of amendments made to the claims cancelling subject matter that was not searched by the Examiner, Applicants respectfully request that the objection to claims 1-3, 6, 7, 9 and 17 be withdrawn.

Request for Rejoinder and Consideration of Claims 16-25 and 27

Claims 16-25 and 27 are drawn to methods, ligands and apparatuses employing the claimed compounds and depend (directly or indirectly) from newly amended claim 1. Applicants have further amended claims 16 and 18-25 to place them in better form and to make the claim language more clear. Claim 27 is new and is at least supported by claim 17.

Applicants respectfully request that the Examiner consider claims 16-25 and 27 in view of PCT Rule 13.2 and the exemptions to restriction (*i.e.*, unity of invention for the combination of a product, a process specially adapted for the manufacture of said product, and a use of said product) in national stage applications provided by 37 C.F.R. § 1.475(b).

Rejection under 35 U.S.C. § 112, second paragraph

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, because the limitation “wherein R₁, R₂ and R₃ represent alkyl” lacks proper antecedent basis.

Applicants respectfully point out that proper antecedent basis for this limitation is provided by claim 1, as amended. Furthermore, new claim 26 is directed to compounds of formula (I) in claim 1, wherein R₁, R₂ and R₃ represent hydrogen. Claim 26 covers a core structure indicated to be allowable by the Examiner in the figure at page 2 of the Office Action.

Applicants believe claim 1, which recites R₁, R₂ and R₃ represent hydrogen or alkyl groups is allowable, because the Examiner indicated that the only issue with claim 9 was a lack of proper antecedent basis for the limitation “wherein R₁, R₂ and R₃ represent alkyl,” and not that there was a substantive issue with claim 9.

In view of the discussion above, reconsideration and withdrawal of the rejection of claim 9 are respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 10 and 12-14 are allowable over the prior art.

CONCLUSION


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Stephanie A. Wardwell, Ph.D., Registration No. 48,025 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: JUL 7 2010

Respectfully submitted,

By 

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